



Patent  
Attorney Docket No. 004900-213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Anne-Marie SEPULCHRE et al.

Application No.: 10/088,350

Filing Date: June 14, 2002

Title: USE OF STRAINS OF STREPTOCOCCUS  
THERMOPHILUS WHICH ARE INCAPABLE  
OF HYDROLYZING UREA IN DAIRY PRODUCTS

Group Art Unit: 1761

Examiner: Keith D. Hendricks

Confirmation No.: 2855

**SECOND  
INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a **SECOND** Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☐ No additional fee for submission of an IDS is required.
- ☒ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☒ A check in the amount of \$ 180.00 is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

By Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26,254

Date: December 15, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
)  
Anne-Marie SEPULCHRE et al. ) Group Art Unit: 1761  
)  
Application No.: 10/088,350 ) Examiner: Keith D. Hendricks  
)  
Filed: June 14, 2002 ) Confirmation No.: 2855  
)  
For: USE OF STRAINS OF )  
STREPTOCOCCUS THERMOPHILUS )  
WHICH ARE INCAPABLE OF )  
HYDROLYZING UREA IN DAIRY )  
PRODUCTS )

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Applicants request consideration of the documents listed on the accompanying Form PTO-1449. These documents have been recently cited by Opponents in an opposition proceeding regarding the corresponding European patent; prior to that, they were not known to applicants or their representatives.

The article by Stoyanov et al. is in Bulgarian but is accompanied by a full English translation.

The e-mail from Henk Spierenburg indicates that the *S. thermophilus* CNRV 407 strain was deposited in 1971, much earlier than indicated on page 3 of applicants' specification.

This statement, Form PTO-1449 and listed documents are being submitted after a first Office Action on the merits but prior to the closing of prosecution, therefore, under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

12/16/2004 YPOLITE1 00000032 10088350

01 FC:1806

180.00 OP

**SECOND** Information Disclosure Statement

Application No. 10/088,350

Attorney's Docket No. 004900-213

Page 2

It is respectfully requested that the Examiner consider this statement and cited information and that an Examiner-initialed copy of the accompanying Form PTO-1449 be returned to the undersigned.

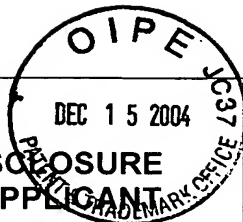
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date December 15, 2004

By: Mary Katherine Baumeister  
Mary Katherine Baumeister  
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# **FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	10/088,350
Filing Date	June 14, 2002
First Named Inventor	Anne-Marie Sepulchre et al.
Examiner Name	Keith D. Hendricks
Attorney Docket Number	004900-213

## **U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec

## **NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Stoyanov et al., <i>Nauchni Trudove, Vissh Institut po Khranitelna i Vkusona Promishlenost</i> (1995), 40:211-217, Plovdiv, Bulgaria, with full English translation.
	OTHER DOCUMENT: May 25, 2004 e-mail from Henk Spierenburg regarding <i>S. thermophilus</i> CNRZ 407 strain.

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.